

Washington Charter Schools Law State Board of Education Rule-Making

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April 4, 2013

SBE Role for Charter Schools

- I-1240 assigned the SBE major responsibilities for administration and oversight of the charter school law:
 - Approve or deny applications by school districts seeking to be authorizers.
 - Oversee the performance of district authorizers.
 - Establish an authorizer oversight fee.
 - Establish a timeline for charter applications.
 - Ensure compliance with maximum allowed number of charter schools.
 - Report annually on the state's charter schools.
 - After five years, recommend whether the Legislature should authorize additional charter schools.

SBE Duties for Rule-Making

- ❑ Eight sections of RCW 28.710, covering fifteen provisions, have been identified as requiring rule-making by the SBE, including:
 - Application process and timelines for school districts seeking to be authorizers. (28A.710.090)
 - Formula for authorizer oversight fee (28A.710.110)
 - Oversight of school district authorizers (28A.710.120)
 - Annual statewide timeline for charter applications (28A.710.140)
 - Certification of charter approvals for compliance with limits on number of schools (RCW 28A.710.150)

Completed Rule-Making: School District Authorizer Approval

Rules adopted by the SBE on February 26:

- Establish timeline for authorizer applications to SBE.
- Clarify and supplement the required components of an authorizer application.
- Establish a process and criteria for SBE decisions on authorizer applications.
- Set terms of the authorizing contract between the approved school district and the SBE.

School District Authorizer Approval: Timeline

Action	2013 Approvals Only	2014 Approvals And Ongoing
District notice of intent to submit authorizer application	April 1, 2013	October 1, 2013
SBE posts district authorizer application	April 1, 2013	October 1, 2013
Closing date for authorizer applications to SBE	July 1, 2013	December 31, 2013
Closing date for SBE decisions on authorizer applications	Sept. 12, 2013	April 1, 2014

School District Notices of Intent

Thirteen districts submitted notices of intent to apply for approval as charter school authorizers in 2013:

Battle Ground

Bellevue

Eastmont

Kent

Highline

Naselle

Peninsula

Port Townsend

Sequim

Spokane

Sunnyside

Tacoma

Yakima

Proposed Rule-Making

Rules to:

- RCW 28A.710.110 -- Authorizer Oversight Fee
- RCW 28A.710.140 -- Charter Applications
- RCW 28A.710.150 -- Maximum Number of Charter Schools

Authorizer Oversight Fee

RCW 28A.710.110

“The state board of education shall establish a statewide formula for an authorizer oversight fee”

- Applies to all authorizers – school districts and Commission.
- Calculated as a percentage of the state operating funding allocated to each charter school.
- Deducted from the state allocation by OSPI and transmitted to the authorizer.

Authorizer Oversight Fee: Amount

- Capped at 4 percent of each charter school's annual state funding.
- May be on a sliding scale, with the fee percentage decreasing for:
 - ❑ The number of years authorizing, or
 - ❑ The number of schools authorized

Authorizer Oversight fee -- Uses

- May be used exclusively for fulfilling purposes of charter school authorizers under RCW 28A.710.100:
 - ✓ Soliciting and evaluating charter applications
 - ✓ Approving and denying applications
 - ✓ Executing charter contracts
 - ✓ Monitoring the performance and legal compliance of charter schools
- Must be separately accounted for by authorizers and annually reported to the State Board of Education.

Authorizer Oversight Fee -- Considerations

- Should be at level sufficient to support quality authorizing.
- Has to be appropriate to both school district authorizers and the Charter School Commission.
- Wide variety in state practices for authorizer funding. No single formula that is “best.”
- Difficulty in identifying reasonable authorizer costs.

Authorizer Oversight Fee – Considerations, cont.

- High expectations for authorizers in Washington's charter law
- Up-front costs to authorizers
 - Negotiating and executing charter contracts
 - Developing charter revocation and renewal processes
 - Developing termination or dissolution protocols.
- The learning curve for all authorizers

Authorizer Oversight Fee – Proposed Rules

- 4 percent oversight fee – maximum allowed by law.
- Sliding scale – 3 percent fee after authorizer has authorized 10 charter schools.
- Periodic review of fee, using data required in the annual reports by authorizers to SBE.

Charter Applications Timeline

RCW 28A.710.140

“The state board of education must establish an annual statewide timeline for charter application submission and approval, which must be followed by all authorizers.”

- Includes two dates called out in other sections:
 - Date by which each authorizer must issue and publicize RFP (28A.710.130)
 - Last date by which authorizers must report action to approve or deny charter applications to SBE (28A.710.150)

Charter Applications – Two Timelines

- As for authorizer approval, a recognition of the need in initial rules for *two timelines* for charter applications:
 - ✓ A shorter timeline, for 2013 applications only.
 - ✓ A longer timeline, for applications in 2014 and all following years.

Charter Applications Timeline -- Considerations

- Adequate time for preparation of charter applications to authorizers.
- Adequate time for authorizer evaluation and decisions on charter applications.
- Adequate time for school startup between charter approval and school opening.

Charter Applications Timeline – “A well planned process”

- No standard timelines to be found in other states’ practices – requirements vary too much.
- “A well-planned process might include minimum timeframes such as:
 - Three months from release of the RFP to the application deadline;
 - Three months for evaluation of the applications;
 - Nine months, but preferably 12-18 months, from approval to school opening.”

-- National Association of Charter School Authorizers

Charter Applications Timeline – Proposed Rules

Action	Applications in 2013 Only	Applications in 2014 and Ongoing
Last date for all authorizers to issue RFPs (28A.710.130)	September 22, 2013	April 15, 2014
Closing date for charter application submissions	November 22, 2013 (60 days)	July 15, 2014 (90 days)
Closing date for authorizer approval or denial of charter applications	January 22, 2014 (60 days)	October 15, 2014 (90 days)
Last date for authorizer to submit report of action to approve or deny application (28A.710.150)	February 1, 2014 (10 days, per law)	October 25, 2014 (10 days, per law)

Maximum Number of Charter Schools

RCW 28A.710.150

- On receipt of notice that a charter school has been approved, SBE must certify whether it is within the limits on the maximum number of schools allowed.
- *“If the board receives simultaneous notification of approved charters that exceed the annual allowable limits . . . , the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.”*
-- RCW 28A.710.150(3)

Maximum Number -- Lottery Process Proposed Rules

- “Simultaneous notification” means on the same day.
- Charter schools that are not certified as within the limits on the number allowed go into a lottery.
- Lottery to be held at a public meeting, within 30 days of determination that limit has been exceeded.
- Schools not selected through the lottery are certified for operation in the subsequent year.

Proposed Schedule for Rule Making

- ❑ March 14 – SBE approved proposed rules for publication in State Register and public hearing.
- ❑ March – May: Public comment.
- ❑ May 8-9 -- Public hearing on proposed rules and possible adoption.

SBE-WCSC Relationship

- Annual report by each authorizer to SBE -- RCW 28A.710.100(4)
- Annual report on charter schools “in collaboration with the commission” – RCW 28A.710.250
- Comment on SBE rule-making with impact on the Commission.
- Sharing of information and resources.

Appendix: Provisions for SBE rule-making

28A.710.090	Authorizers -- approval	<p>(1) The state board of education shall establish an annual application and approval process and timelines for school district boards of directors seeking approval to be charter school authorizers. The initial process and timelines must be established no later than ninety days after the effective date of this section.</p> <p>(2) At a minimum, each applicant must submit to the state board :</p> <p>(3) The state board of education shall consider the merits of each application and make its decision whether to grant approval within the timelines established by the board.</p> <p>(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the [school district] . . .</p>
28A.710.100	Authorizers – Annual report	<p>(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board . . .</p>
28A.710.110	Authorizers -- funding	<p>(1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which shall be calculated as a percentage of the state operating funding allocated under section 223 of this act to each charter school, but may not exceed four percent of each charter school’s annual funding.</p> <p>(2) The state board may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold . . .</p>
28A.710.120	Authorizers -- oversight	<p>(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under section 210 of this act, the board must notify the authorizer in writing of the identified problems, and the authorizer shall have reasonable opportunity to respond and remedy the problems.</p> <p>(5) If an authorizer persists after due notice from the state board of education in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer’s chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation.</p> <p>(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.</p>

Appendix: Provisions for SBE rule-making, cont.

28A.710.130	Charter applications	(1) Each authorizer must annually issue and broadly publicize a request for proposals for charter school applications by the date established by the state board of education under section 214 of this act.
28A.710.140	Charter applications	(1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial, which must be followed by all authorizers.
28A.710.150	Number of charter schools	<p>(2) The state board of education shall establish for each year in which charter schools may be authorized as part of the timeline to be established pursuant to section 214 of this Act, the last date by which the authorizer must submit [the report to the applicant and the SBE of the action to approve or deny a charter application.</p> <p>(3) If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.</p>
28A.710.210	Charter school termination or dissolution	(3) A charter contract may not be transferred from one authorizer to another or from one charter school applicant to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students.

Appendix: Frequently Asked Questions

- How does the SBE's role differ from the Commission's?
- When will the first charter schools be opened?
- Can a charter school be closed for bad performance?
- Can a charter school limit admission based on student residence or characteristics?
- Do charter schools have to meet basic education and accountability requirements?
- Can a private school convert to a charter school?
- How does the law address online charter schools?
- Is Washington's charter school law a "parent trigger" law?
- Must charter school employees be non-union?
- How do I start a charter school?